

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

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February 2, 2010

Please review this version of this substitute amendment very closely to ensure that it meets your intent. As you know, the statutes that relate to the placement and transportation of firearms, bows, and crossbows in vehicles are very complex.

This draft adds very specific exemptions to the general prohibition against the placement, possession, and transportation of firearms, bows, and crossbows in vehicles. Given the nature of the exemptions, it is very difficult to prevent overlap among the exemptions that are created in this substitute amendment and that exist in current law. As a practical matter this may make enforcement of the new exemptions difficult. For example, under this substitute amendment a person may possess an unloaded and unencased firearm if, among other things, the vehicle is parked. Under a different exemption in this draft, a person may also possess an unloaded and unencased firearm in a vehicle during the regular fall firearm deer hunting season (gun deer season) but in that event, the firearm must be at least 26 inches long. It is not clear under the draft which exemption would apply to a person who briefly parks his or her vehicle during gun deer season. If the person has an unloaded firearm, does the "stationary vehicle" exemption apply or does the "gun deer season" exemption apply? If the "gun deer season" exemption applies, then the hunter must have a firearm that is at least 26 inches long. Or should the "stationary vehicle" exemption only apply when it is not gun deer season?

Please give me a call if you have any questions or would like to discuss these or other issues in this substitute amendment in greater detail.

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